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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/255,052

02/22/1999

ANTOINE BOUCHER

TVW/APPI3US

7929

59906

7590

07/27/2006

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/255,052

Applicant(s)

BOUCHER ET AL.

Examiner

Vivek Srivastava

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 65-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION


In view of the Appeal Brief filed on 10/21/04, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
CHRISTOPHER GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 75 and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Alonso (US 6,184,878).**

***Regarding claim 75,*** Alonso discloses a system which provides interactive world wide web access using a set top terminal in a VOD system. Alonso discloses addressable subscriber equipment (see col. 3 lines 42 – 45) at a user location, the subscriber equipment transmitting a request for a VOD presentation, WWW presentation, information page presentation, menu presentation etc. (see col. 4 lines 37 – 40 and lines 48 – 53, col. 3 lines 37 – 40). Alonso further discloses a presentation preparation headend server 30 (fig 1), including a set top receiver 42 (fig 1) coupled to the headend for receiving a request for presentation. Alonso further discloses the headend converts HTML pages received over the Internet into MPEG 2 format (see col. 5 lines 1 – 9, col. 5 lines 60 – 65) using a HTML to MPEG compiler and thus discloses the claimed a “preparation conversion utility”. Alonso further discloses the MPEG converted presentation can be stored in video store memory 38 (fig. 1, col. 5 lines 1 – 9,

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col. 6 lines 8 – 15). Alonso further discloses a combiner 32-9 or “MPEG packet multiplexer” which combines MPEG page video and menu video (see col. 5 lines 1 – 10). Alonso further discloses the headend is coupled to the set top via a broadband cable or satellite network (see col. 3 lines 31 – 35) for transmitting the selected presentation to the addressable subscriber equipment at the user location. It is noted that the set top terminal inherently comprises and MPEG decoder for decoding the received MPEG streams (see col. 4 lines 8 – 17, col. 3 lines 20 – 40).

***Regarding claim 76***, Alonso discloses the claimed URL (see fig. 2)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Alonso et al (US 6,184,878) in view of Huizer et al (US 6,751,802).**

***Regarding claim 65***, Alonso discloses a system which provides interactive world wide web access using a set top terminal in a VOD system. Alonso discloses addressable subscriber equipment (see col. 3 lines 42 – 45) at a user location, the subscriber equipment transmitting a request for a VOD presentation, WWW presentation, information page presentation, menu presentation etc. (see col. 4 lines 37

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– 40 and lines 48 – 53, col. 3 lines 37 – 40). Alonso further discloses a presentation preparation headend server 30 (fig 1), including a set top receiver 42 (fig 1) coupled to the headend for receiving a request for presentation. Alonso further discloses the headend converts HTML pages received over the Internet into MPEG 2 format (see col. 5 lines 1 – 9, col. 5 lines 60 – 65) using a HTML to MPEG compiler. Alonso discloses storing a plurality of web pages from web sites (see col. 6 lines 8 – 15) and thus discloses receiving a plurality of selectable presentations at the presentation preparation server. Alonso further discloses the MPEG converted presentation can be stored in video store memory 38 (fig. 1, col. 5 lines 1 – 9, col. 6 lines 8 – 15). Alonso further discloses a combiner 32-9 or “MPEG packet multiplexer” which combines MPEG page video and menu video (see col. 5 lines 1 – 10). Alonso further discloses the headend is coupled to the set top via a broadband cable or satellite network (see col. 3 lines 31 – 35) for transmitting the selected presentation to the addressable subscriber equipment at the user location. It is noted that the set top terminal inherently comprises and MPEG decoder for decoding the received MPEG streams (see col. 4 lines 8 – 17, col. 3 lines 20 – 40).

Although Alonso discloses providing a presentation to the appropriate subscriber (see col. 8 lines 49 – 53, col. 3 lines 40 – 45), Alonso fails to disclose the claimed the presentation request including a destination address corresponding to said addressable processing equipment at said user location.

Official Notice is taken it would have been notoriously well known to transmit a subscriber address upstream to a server to ensure the requested material is transmitted

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to the appropriate subscriber. Therefore, it would have been obvious to modify Alonso to include the claimed limitation to ensure the requested material is transmitted to the appropriate subscriber and to eliminate the need for the server to insert a terminal identification parameter and for comparing IDS at the subscriber terminal resulting reduced data transmitted over the network and costs, hardware and software associated with comparing IDS at the subscriber terminal.

Alonso fails to disclose indicating the position of the selected presentation in the MPEG digital video format in the MPEG video transport stream.

In analogous art, Huizer also discloses a VOD system which employs trick plays and teaches problems associated with trick plays in particular, *"However, the non-linear playback of MPEG transport streams and program streams from video servers has not received the same level of attention. Non-linear playback involves the interruption and continuation of the stream and is necessary for basically all kinds of trick modes. Trick modes require an accurate control of the stream"* (see col. 1 lines 40 – 46). Huizer further teaches *"In order to allow the receiver to flawlessly resume signal reproduction after a pause, position labels are inserted into the bit stream at positions where the server can resume transmission of the signal after an interruption"* (see Abstract).

It would have been obvious to modify the VOD system of Alonso based on the teachings of Huizer to include the claimed "transmitting an addressable message to said addressable processing equipment at said user location to indicate the position of selected presentation in the MPEG digital video format in said MPEG video transport

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stream” for the benefit of enabling a trick play VOD system which flawlessly resumes the signal production.

Therefore, it would have been obvious to an artisan skilled in the art to modify Alonso based on the teachings of Huizer for the benefit of enabling a trick play VOD system which flawlessly resumes the signal reproduction.

**Regarding claim 67**, Alonso discloses an MPEG image (see col. 2 lines 33 – 43) and thus discloses the claimed limitation.

**At to claim 68**, the combination of Alonso and Huizer fails to disclose the claimed wherein said selected presentation in MPEG digital video format is an MPEG P-frame forming a data overlay.

Official Notice is taken it would have been well known to provide MPEG overlays of information for the benefit of enabling the simultaneous display of plurality of data while maximizing the content space on the display screen for the primary content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Alonso and Huizer to include the claimed limitation for the benefit of having simultaneous display of content while maximizing content space on the display for primary content.

**Regarding claim 69**, Alonso discloses transmitting in the MPEG format and thus inherently discloses the claimed “wherein said selected presentation is MPEG digital video format is a group of pictures sequence including a least one MPEG I – frame and one or more MPEG P-frames forming a video sequence.

**Regarding claim 70**, Alonso discloses and MPEG stream which inherently comprises I-frames, P-frames and B-frames.

**Regarding claim 71**, Alonso discloses the claimed audio (see col. 4 lines 15 – 17). It is noted that since the audio is transmitted via the MPEG format, Alonso discloses the claimed “MPEG encoded audio sequence”.

**Regarding claim 72**, the combination of Kunkel and Huizer discloses the claimed limitation, wherein Kunkel and Huizer disclose an MPEG 11 transmission system and thus discloses the claimed limitations which are inherent in an MPEG II system.

**Regarding claim 73**, Alonso discloses the claimed two-way broadband signal distribution network (see col. 25 – 30).

**Regarding claim 74**, Alonso discloses sending the request over a telecommunications network (see col. 3 lines 35 – 37).

**Claim 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Alonso et al (US 6,184,878) in view of Huizer et al (US 6,751,802), as applied to the claims above, and further in view of Banker et al (US 5,485,221).**

**As to claim 66**, the combination of Alonso and Huizer fails to disclose the claimed limitations.

Official Notice is taken it would have been notoriously well known to transmit a log on request from an addressable processing equipment at said user location to said presentation preparation server for the benefit of providing a more secure system in

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which only an authorized user has access to their respective services. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Alonso and Huizer to include the claimed transmitting a log on request for the benefit of providing a more secure system restricting access to only authorized users.

The combination of Alonso and Huizer fails to disclose the claimed receiving a user number from said presentation preparation server at the addressable processing equipment and using the user number to identify MPEG video signals transmitted from the presentation preparation server to said addressable processing equipment at said user location.

In analogous art, Banker teaches a subscription television system and terminal for enabling simultaneous display of multiple services. Banker teaches "*Further, authorization information could be transmitted, this information would authorize the reception of channels or programs* (see col. 8 lines 4 – 7) and further teaches "*On the other hand, data transmissions may be addressed transmissions. Authorization data would normally be addressed to individual subscribers or groups of subscribers. That is, when transmitted, the data will have an address (for example, a subscriber terminal serial number) associated with it* (see col. 8 lines 13 – 18). Banker is evidence it would have been well known to receive a user number from said presentation preparation server at the addressable processing equipment and using the user number to identify MPEG video signals transmitted from the presentation preparation server to said addressable processing equipment at said user location.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Alonso and Huizer to include the claimed limitations for the benefit of providing a more secure system in which only authorized subscribers have access to their respective content.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs 7/22/06


Appeal conferees:

CG

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